

CITY OF ANNA, TEXAS

ORDINANCE NO. 862-2020

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 4 (BUILDING REGULATIONS) AND CHAPTER 9 (PLANNING AND DEVELOPMENT REGULATIONS); PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing the subdivision of land, zoning, landscape regulations, and tree preservation in the City; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council of the City of Anna ("City Council") have given the requisite notices and have held the public hearings as required by law and afforded a full and fair hearing to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council has concluded that the Article 4.07 Address Numbers, Article 9.02 Subdivision Regulations, Article 9.04 Zoning Ordinance, Article 9.06 Landscape Regulations, and Article 9.07 Tree Preservation of the City should be amended as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS THAT:

Section 1. Recitals Incorporated

The above recitals are incorporated herein by reference for all purposes.

Section 2. Amendment

In accordance with Article 1.01 of the Anna City Code of Ordinances ("Anna Code"), the amendments made to Chapter 4 (Building Regulations) and Chapter 9 (Planning and Development Regulations) are hereby amended as follows.¹

¹ Additionally, throughout Chapter 9 (Planning and Development Regulations), this Ordinance shall permit Franklin Publishing to update references as necessary, such as:

Sec. 9.04.028

- (d) Parking regulations. Required off-street parking shall be provided in accordance with the specific uses set forth in section 9.04.025-9.04.037.

Sec. 9.06.007

- (c) Variances. If unique circumstances exist which prevent strict adherence with the requirements of ~~subsection 9.06.006(g)(1) and subsection 9.06.006(g)(2) above~~ subsections (a) and (b) of this section, the city council may consider a granting a variance during the site plan approval process to reduce the minimum 20-foot landscape buffer to a minimum of 10 feet, provided that site design considerations have been incorporated to mitigate the impact of the variance....

ARTICLE 4.07 ADDRESS NUMBERS

Sec. 4.07.001 Building numbering system

[...]

- (d) ~~The city secretary~~ director of development services or designee will supervise the assignment of all building numbers. ~~All Such numbering will be under his their supervision and will be recognized as the official number of the building.~~

[...]

ARTICLE 9.02 SUBDIVISION REGULATIONS

[...]

Sec. 9.02.043 Procedures and submission requirements for preliminary plat approval

[...]

- (e) Information required upon or with preliminary plat. The director of development services may establish—not inconsistent with this article—forms and mandatory standards with regard to the content, format, and graphics for preliminary plats. The proposed preliminary plat shall show information as specified on a ~~an~~ application form or packet provided by the planning department ~~(see requirements set forth in appendix A at the end of this article, incorporated in full as if set forth herein for all purposes).~~

[...]

Sec. 9.02.044 Procedures and submission requirements for final plat approval

[...]

- (c) Information required upon or with final plat. The director of development services may establish—not inconsistent with this article—forms and standards with regard to the content, format, and graphics for final plats. The proposed final plat shall show information as specified on a ~~an~~ application form or packet provided by the planning department ~~(see requirements set forth in appendix B at the end of this article, incorporated in full as if set forth herein for all purposes).~~

[...]

(f) Timing of public improvements.

[...]

- (4) When all of the public improvements have been constructed and a request is made for acceptance of same by the city, the planning director shall confirm that the public improvements have been completed in accordance with the approved plans and specifications and with all applicable city standards and regulations, and shall confirm receipt by the city of the required maintenance bond. In determining compliance, the planning director shall obtain from the applicant: one sealed set of "as-built" or "record drawing" ~~mylar-sepia~~ and a digital copy of all plans (in a format as determined by the city engineer); a signed letter bearing sealed certification by the design engineer confirming the contractors' compliance with these subdivision regulations, and with all city construction standards set forth in the design standards and other applicable city design documents; and certification signed by the property owner before a notary that all dedications required for the public improvements have been fully conveyed. After said materials are received, and the planning director confirms compliance as set forth above, the planning director shall inform the city manager of same and the city manager shall receive and accept for the city the title, use, and maintenance of the public improvements, and shall provide written notice to the applicant that its request for approval to record the final plat has been granted. No such approval shall be granted until compliance has been verified as set forth in this subsection.
- (g) Effect of approval and acceptance of improvements. As soon as is practical after the final plat has been approved by the city for recordation ~~by the city~~ in accordance with subsection (f)(4) of this section, or, alternatively, approved for recordation because the subdivider has provided sufficient security in accordance with division 6 of this article, the director of development services or designee ~~planning director~~ shall direct the applicant to file the final plat to be recorded with the Collin County clerk. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the planning and zoning commission and city council and duly recorded by the applicant. It is the applicant's responsibility to confirm that the final plat has been duly recorded, and an applicant's failure to confirm same is at the applicant's sole risk.
- (h) Revisions to approved final plat prior to filing at the county.

(1)

[...]

- (B) Subsequent to final plat approval by the planning and zoning commission and city council, the applicant shall return signed and notarized ~~mylar-sepia~~ copies of the final plat, as approved, along with any other required documents and fees necessary for filing the plat with the county clerk, to the planning department within 45 calendar days following approval, in accordance with requirements established by the city; or if construction of any public improvement is required prior to the filing of a final plat, the owner or developer shall return signed and notarized ~~mylar-sepia~~ copies of the final plat, as approved, along with any other required documents and fees necessary for filing the plat with the county clerk (including current documents required to show proof of ownership as outlined in section 9.02.041(f)) to the planning department before said public improvements will be accepted by the city and before said final plat will be recorded with the county clerk.

[...]

Sec. 9.02.084 Easements

[...]

- (e) Visibility easements.

[...]

- (2) Fixed items. The maximum height of fences, walls, signs, and other similar fixed items shall be 30 inches (2-1/2 feet) within the visibility easement.
- (3) Landscaping. All landscaping (and any other fixed feature) within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between 30 inches (2-1/2 feet) and ten (10') eight feet. ~~A limited number of single-trunked trees may be permitted in this area provided they are~~ Trees adjacent to this visibility area shall be trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. Landscaping, except grass and low ground cover, shall not be located closer than three feet from the edge of any street pavement.

[...]

Sec. 9.02.208 Inspection and acceptance of public improvements

[...]

(b) Letter of satisfactory completion.

- (1) The city will only deem required public improvements satisfactorily completed when the applicant's engineer or RPLS has certified to the city engineer (through submission of detailed sealed "as-built," or record, drawings of the property) drawings that indicate all public improvements and their locations, dimensions, materials and other information required by the city engineer, and when all required public improvements have been completed.

(A) The mylar "as-builts" shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet an "as-built" stamp bearing the signature and seal of the licensed professional engineer and the date.

[...]

Sec. 9.02.241 Schedule of fees and re-submission requirements

[...]

- (f) ~~Recordation fees. Recording fees for final plats filed with the Collin County clerk are in addition to any application and inspection fees charged by the city. Such fees shall be paid following approval of the final plat, prior to the plat being filed for record at the county by the city.~~ Recordation of plats with the Collin County clerk shall be the responsibility of the applicant.

The following additional amendments are hereby made to Article 9.02: Delete *Appendix A Preliminary Plat Checklist*, *Appendix B Final Plat Checklist*, and *Appendix C Owner's Certificates* in their entirety.

ARTICLE 9.04 ZONING ORDINANCE

Sec. 9.04.001 Authority

This article is prepared under the authority of ~~section 1, art. 1011a, Vernon's Civil Statutes of the State of Texas~~ Chapter 211, 212, and 213, Texas Local

Government Code, and other applicable law, as amended, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories, and size of buildings, and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures.

[...]

Sec. 9.04.004 Definitions

[...]

Substantially Conforming Site Plan means a minor amendment to existing site plans.

[...]

Sec. 9.04.005 General provisions

[...]

- (m) Visibility at intersections. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle in accordance with Sec. 9.02.084(e). ~~measured 20 feet from the point of right-of-way line intersection.~~ All objects on the ground in said triangle should not exceed 30 inches (2-1/2 feet) in height and objects hanging over this area ~~vegetation~~ should not droop to less than ten (10') feet above the ground.

[...]

Sec. 9.04.029 PD Planned Development District

[...]

- (f) Planned developments to be recorded. All planned development districts approved in accordance with the provisions of this article in its original form, or by subsequent amendment thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained on the city's website ~~in an appendix of this article.~~

[...]

Sec. 9.04.034 Supplementary district regulations

[...]

(f) Requirements for solid waste collection.

(a) Applicability - this section shall apply to property utilized for nonresidential or multifamily uses and shall not apply to the following:

- (1) community recycling locations as permitted by the city.
- (2) containers for onsite construction debris with a valid permit issued by the City of Anna Building Department.
- (3) multifamily and nonresidential developments that comply with both of the following stipulations:
 - (A) the development is authorized for solid waste collection utilizing 90-96-gallon residential-type carts.
 - (B) the development is located within the CBRD (Central Business Redevelopment District) zoning district or the development is within a planned development district that permits, by stipulation, the use of 96-gallon residential-type carts for solid waste collection.

(4) Donation containers.

(5) Declared disasters in the City of Anna that create solid waste disposal issues until the disaster status is rescinded.

(6) Containers authorized through a Special Event permit.

(b) Provision of Locations for Solid Waste Containers Space for solid waste containers, including compactors, must be provided as follows:

- (1) Quantity - A minimum of two containers per lot to accommodate both refuse and recycling.
- (2) Location - One or more required container locations may be offsite in a permanent easement within 150 feet of the

building as determined sufficient through the site plan approval process.

(c) Screening and Site Design Standards

(1) Screening and Placement - Screening and placement for solid waste containers must be consistent with sec. 9.04.039 and sec. 9.06.006.

(2) Use - Enclosures for containers must only be used for purposes related to solid waste.

(3) Maintenance - All screening devices must be continually maintained in a state of good repair. Living screens must be maintained in compliance with article 9.06.

(4) Parking Reduction - The number of required parking spaces in sec. 9.04.037 may be reduced to accommodate commercial recycling and community recycling containers for sites developed prior to July 1, 2020. Required parking shall not be reduced without submittal and approval of an amended site plan.

(d) Site Plan Review - Solid waste container locations built to design standards shall be identified on concept plans and site plans. Solid waste containers shall not be added to existing sites and/or to new site plans approved for future development without submittal and approval of an amended site plan.

[...]

Sec. 9.04.039 Screening device requirements

[...]

(b) Applicability.

[...]

(4) All wrecking yards, junkyards, or salvage yards shall be fenced on all sides and shall be screened from view from the public right-of-way and from adjacent residential property. ~~Bays in any business/commercial PD—Planned Development shall be oriented away from the street frontage.~~

[...]

(9) Service bays in any business/commercial PD (Planned Development) shall be oriented away from the street frontage.

(c) Screening elements and fences.

[...]

- (10) All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. The ~~chief building official~~ director of development services, building official, or code official may order the repair or removal of a fence if it is more than 5% damaged or leaning 10 degrees from vertical. Fences shall be repaired in compliance with the provisions of this section.

[...]

Sec. 9.04.040 Outdoor Lighting Code

[...]

- (f) Definitions. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown below:

[...]

Director means the ~~building permits and inspections director~~ director of development services, building official or designee.

[...]

- (n) Prohibitions.

[...]

- (5) Existing lighting causing light trespass onto residential property.

- (A) If after complaint and investigation, the ~~code official~~ director finds that an existing light fixture directs light toward residential buildings, the ~~code official~~ director shall give written notice of such violation to the owner and/or to the occupant of such premises demanding that the violation be abated within ninety days of the date of written notice.

[...]

Sec. 9.04.041 Planning and zoning commission

- (a) Creation of planning and zoning commission. There is hereby created a planning and zoning commission which shall be organized, appointed and function as follows:
- (1) The planning and zoning commission shall consist of seven ~~five~~ members who are residents of the city ~~or its extraterritorial jurisdiction~~, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Provided, however, that the city council may appoint two alternate members of the planning and zoning commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairman or city manager, as the case may be; and
 - (2) The terms of four ~~three~~ members shall expire in May of each odd-numbered year and the terms of three ~~two~~ of the members shall expire in May of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.
- (b) Organization. The commission shall hold an organizational meeting in July ~~May~~ of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this article and the requirements of law.
- (c) Duties and powers. The planning and zoning commission is hereby charged with the duty and invested with the authority to:
- (4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in ~~articles 1011a-1011k, Revised Civil Statutes of Texas~~ Chapters 211 and 213, Texas Local Government Code, as amended, authorizing ~~cities and incorporated villages~~ municipalities to pass zoning regulations; all powers granted under said ~~act~~ statutes are specifically adopted and made a part hereof.

(5) Exercise all the powers of a commission as to recommendations to the city council relating to approval or disapproval of plans, plats, amending plats, or replats set out in articles 974a and 970a, Revised Civil Statutes of Texas Chapter 212, Texas Local Government Code, as amended.

(d) Meeting and quorum. A quorum for the conduct of business shall consist of four ~~three~~ members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

[...]

Sec. 9.04.048 Site Plans

(a) Site Plan Approval.

(1) Conceptual site plans.

[...]

(C) The conceptual site plan shall include sufficient information to adequately assess the functionality of the proposed subdivision and its impact on surrounding properties and circulation systems. The director of development services may establish—not inconsistent with this article—forms and standards with regards to the content, format, and graphics for conceptual site plans including but not limited to:

[...]

(4) Prior to the issuance of any building permit, a site plan drawn to scale shall be submitted for initiation of the review and approval process along with ~~25 copies of the plan or the number of copies deemed necessary by the city to complete the required reviews or memorandums.~~

(b) Content of site plan. The director of development services may establish—not inconsistent with this article—forms and standards with regards to the content, format, and graphics for site plans. The proposed site plan shall show information as specified on a form or packet provided by the planning department, including: When required, a site plan shall include the following:

[...]

(f) Revision of site plan.

(1) In the event that changes to the approved site plan are proposed, ~~the city manager~~ director of development services or designee shall have the authority to require that a substantially conforming site plan or revised site plan be submitted to the city for review and approval.

(2) (A) It is recognized that final architectural and engineering design may necessitate some judgment in the determination of conformance to an approved site plan. ~~the city manager~~ director of development services or designee shall have the authority to interpret conformance to an approved site plan, provided that such interpretations do not materially affect access, circulation, general building location on the site, or any conditions specifically attached as part of a city council approval. ~~The city manager~~ director of development services or designee shall only approve minor changes that substantially conform to the approved site plan and with all applicable city regulations.

(B) Examples of revisions which may be approved by ~~the city manager~~ director of development services or designee on a substantially conforming site plan, elevations, or landscape plan include:

(i) ~~Minor dimension and location adjustments~~ building revisions/expansions that do not increase the height of a building and are less than an aggregate total of 1,000 square feet;

(ii) Minor changes in the number of parking spaces (adding, removing, or relocating 20 parking spaces of less), provided that minimum parking requirements are met;

(iii) Adjustments to ~~sanitation~~ solid waste container location;

(iv) Minor revisions to approved elevations; and

(v) Substitution of similar materials on an approved landscape plan.

~~(C) Examples of revisions that may not be approved by the city manager include:~~

~~(i) Major changes to type of screening materials;~~

~~(ii) Significant alterations to the building footprint;~~

(iii) ~~Specific conditions of approval; and~~

(iv) ~~Any changes that may negatively impact adjacent properties.~~

(~~CD~~) ~~If, in the judgment of the city manager, the proposed revisions exceed staff's approval authority, the a revised site plan, revised landscape plan or revised elevations shall be submitted and processed for approval accordingly. forwarded to the planning and zoning commission for consideration according to the procedures for site plan approval. If proposed revisions to the site plan have not been approved by the city manager within 30 days of their final submission, they shall be scheduled for consideration by the planning and zoning commission upon request by the applicant.~~

(g) Certificate of occupancy

(3) ~~Mylar original. The final site plan shall be accompanied by a mylar original for permanent record.~~

(4)(3) Preliminary site plan. [...]

[...]

APPENDIX 1. ZONING DISTRICT AREA REGULATIONS

	AG	SF-E	SF-84	SF-72	SF-1	SF-60	SF-2	SF-Z	SF-TH	TF	MH-1	MH-2	MF-1	MF-2
Side yard, interior (feet)	15	15	10	40 (c)	40 (c)	40 (c)	40 (c)	(a)	(b)	40 (c)	10	10	10	10
Side yard, corner lot, street side (feet) (c)	25	25	15	15	15	15	15	15	15	15	15	15	25	25

(a) Zero one side with 10 feet separation between buildings.

(b) 14 feet between ends of buildings.

(c) ~~45 feet where adjacent to single family or duplex residential district.~~

(c) 5 feet or 10% of the lot width, whichever is greater.

[...]

ARTICLE 9.06 LANDSCAPE REGULATIONS

[...]

Sec. 9.06.003 Issuance of permits and certificate of occupancy

- (a) No permits shall be issued for building, paving, grading, or construction until a detailed landscape plan is submitted and approved by the city manager or designee. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan and a reproducible mylar copy of the landscaping as installed shall be provided to the city for permanent filing.

[...]

Sec. 9.06.006 Minimum landscaping requirements

- ~~(a) For all nonresidential and multiple-family parcels at least 15% of the street yard shall be permanent landscape area. The street yard shall be defined as the area between the front property line and the minimum front setback line.~~
- ~~(b) For all nonresidential and multiple-family parcels located at the intersection of two dedicated public streets (rights-of-way), a 600 square foot landscape area shall be provided at the intersection corner, which can be counted toward the 15% requirement.~~
- ~~(c) For all nonresidential and multiple-family parcels, a minimum of 10% of the entire site shall be devoted to living landscape which shall include grass, ground cover, plants, shrubs, or trees.~~
- ~~(d) For all nonresidential and multiple-family parcels, developers shall be required to plant one large tree (minimum of three-inch caliper and seven feet high at time of planting) per 40 linear feet, or portion thereof, of street frontage. Trees may be grouped or clustered to facilitate site design.~~
- ~~(e) Landscape areas within parking lots should generally be at least one parking space in size (180 square feet).~~
- ~~(f) No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet in width.~~
- ~~(g) For all nonresidential and multiple-family parcels, internal landscape areas shall:
 - ~~(1) Equal a total of at least eight square feet per parking space;~~
 - ~~(2) Have a landscaped area with at least one tree within 65 feet of every parking space;~~~~

- (3) Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces.
- (h) Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of each parking row, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
- (i) All existing trees which are to be considered for credit shall be provided with a permeable surface (a surface which does not impede the absorption of water) within a minimum five-foot radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum two and one-half foot radius from the trunk of the tree.
- (j) At least 75% of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, an earthen berm of a minimum height of three feet, a low masonry wall of a minimum height of three feet, or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall.
- (k) A minimum of 50% of the total trees required for the property shall be large (minimum three-inch caliper, seven feet in height at time of planting) canopy trees as specified on the approved plant list (see approved plant list).
- (l) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance with city regulations. Shared drives shall be allowed through perimeter landscape areas.
- (m) For all nonresidential and multi-family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet shall be maintained between the edge of the parking area and the adjacent property line.
- (n) Whenever a nonresidential use, mobile home use, or multiple-family use is adjacent to a property used or zoned for single-family or duplex residential use, the more intensive land use shall provide a landscaped area of at least 10 feet in width along the common property line planted with one large tree (minimum three inches in caliper and seven feet in height at time of planting) for each 40 linear feet or portion thereof of adjacent exposure.
- (o) Evergreen shrubs (acceptable for six-foot screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet in height at the time of planting, unless not visible from public right-of-way or a public use area.
- (p) For all single-family and duplex parcels, builders shall be required to plant two large trees (minimum of three-inch caliper and seven feet high at time of planting) per lot prior to obtaining a certificate of occupancy. At least one of the trees shall be located in the front yard. Existing quality

trees of at least three-inch caliper size located on the lot shall count to meet this standard if appropriate tree protection measures have been followed.

- (q) ~~Requirements for single-family residential and duplex lots. Three-inch caliper trees selected from the large tree list in this article shall be planted on all single-family residential, duplex, and town home lots. At least one of the trees must be placed in the front yard of the lot. The following minimum standards apply:~~

Single-Family Residential – Large Lot (SF-E)	4 trees
Single-Family Residential – 64 (SF-64)	3 trees
Single-Family Residential – 72 (SF-72)	3 trees
Single-Family Residential – 1 (SF-1)	2 trees
Single-Family Residential – 60 (SF-60)	2 trees
Single-Family Residential – Zero Lot Line (SF-Z)	2 trees
Single-Family Residential – Town Home (SF-TH)	1 tree
Two-Family (TF)	2 trees

~~All large trees required above will be planted prior to issuance of the certificate of occupancy on the dwelling.~~

- (r) ~~For all residential parcels, developers shall be required to plant one large tree (minimum of three-inch caliper and seven feet high at the time of planting) per 40 linear feet, or portion thereof, of street frontage for major thoroughfares. Trees may be grouped or clustered to facilitate site design.~~

(a) General

- (1) All existing trees which are to be considered for credit shall be provided with a permeable surface (a surface which does not impede the absorption of water) within a minimum five-foot radius from the trunk of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum two and one-half foot radius from the trunk of the tree.
- (2) A minimum of 50% of the total trees required for the property shall be large (minimum three-inch caliper, seven feet in height at time of planting) canopy trees as specified on the approved plant list (see approved plant list).
- (3) Necessary driveways from the public right-of-way shall be allowed through all required landscaping areas in accordance

with city regulations. Shared drives shall be allowed through perimeter landscape areas.

(4) All trees planted to satisfy the tree standards must be a minimum of three inches in diameter at breast height (DBH).

(5) No trees with a maximum mature height of 25 feet or greater may be planted within 25 feet (measured horizontally) from the nearest overhead utility line (see Appendix 1 and Appendix 2 of Article 9.07 Tree Preservation for height references).

(6) Definitions:

i. Street yard is defined as the area between the front property line and the minimum front setback line.

ii. Internal landscape area/landscaping is defined as the remaining property exclusive of the street yard and required landscape buffers.

(b) Parking Lots in addition to subsections (c) and (d) of this section.

(1) Landscape areas within parking lots should generally be at least one parking space in size (180 square feet).

(2) Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of each parking row, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

(3) At least 75% of the frontage of parking lots, adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, an earthen berm of a minimum height of three feet, a low masonry wall of a minimum height of three feet, or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall.

(c) Nonresidential and multiple-family lots:

(1) For all nonresidential and multiple-family parcels at least 15% of the street yard shall be permanent landscape area.

- (2) For all nonresidential and multiple-family parcels located at the intersection of two dedicated public streets (rights-of-way), a 600 square foot landscape area shall be provided at the intersection corner, which can be counted toward the 15% street yard requirement.
- (3) For all nonresidential and multiple-family parcels, a minimum of 10% of the entire site shall be devoted to living landscape which shall include grass, ground cover, plants, shrubs, or trees.
- i. No landscape area counting toward minimum landscaping requirements shall be less than 25 square feet in area or less than five feet in width.
- (4) For all nonresidential and multiple-family parcels, developers shall be required to plant one large tree (minimum of three-inch caliper and seven feet high at time of planting) per 40 linear feet, or portion thereof, of street frontage.
- i. Trees may be grouped or clustered to facilitate site design.
- ii. These trees must be within the street yard except when the property is restricted by easements.
- iii. When the street yard is restricted by easements any combination of the following may be permitted:
1. The required large trees may be substituted with two small trees for every one large tree required within the street yard;
2. Up to 50% of the required large trees may be placed in the internal landscape.
- (5) For all nonresidential and multiple-family parcels, internal landscape areas shall:
- i. Equal a total of at least eight square feet per parking space;
- ii. Have a landscaped area with at least one tree within 65 feet of every parking space;
- iii. Have a minimum of one tree planted in the parking area for every 10 parking spaces within parking lots with more than 20 spaces. These required trees shall be provided within the internal landscape area.

- (6) For all nonresidential and multi-family parcels, whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet shall be maintained between the edge of the parking area and the adjacent property line.
 - (7) Whenever a nonresidential use, mobile home use, or multiple-family use is adjacent to a property used or zoned for single-family or duplex residential use, the more intensive land use shall provide a landscaped area of at least 10 feet in width along the common property line planted with one large tree (minimum three inches in caliper and seven feet in height at time of planting) for each 40 linear feet or portion thereof of adjacent exposure.
 - (8) Evergreen shrubs (acceptable for six-foot screening) shall be provided around dumpster screening wall, and the plant materials must be a minimum of three feet in height at the time of planting, unless not visible from public right-of-way or a public use area.
 - (9) All commercial properties shall provide trees at a ratio of 10 trees per acre (43,560 sq. ft.) or one tree per 4,356 sq. ft. of the gross lot area.
 - i. At the discretion of the city, and at the request of the property owner, the ten trees per acre may be satisfied by planting trees elsewhere in the city at the direction of the landscape administrator-Director of Development Services or designee.
- (d) Single-family and duplex lots and subdivisions:
- (1) For all single-family and duplex parcels, builders shall be required to plant two large trees (minimum of three-inch caliper and seven feet high at time of planting) per lot prior to obtaining a certificate of occupancy. At least one of the trees shall be located in the front yard. Existing quality trees of at least three-inch caliper size located on the lot shall count to meet this standard if appropriate tree protection measures have been followed.
 - (2) Requirements for single-family residential and duplex lots. Three-inch caliper trees selected from the large tree list in this article shall be planted on all single-family residential, duplex, and town home lots. At least one of the trees must be placed in the front yard of the lot. The following minimum standards apply:

Single-Family Residential - Large Lot (SF-E)	4 trees
Single-Family Residential - 84 (SF-84)	3 trees
Single-Family Residential - 72 (SF-72)	3 trees
Single-Family Residential - 1 (SF-1)	2 trees
Single-Family Residential - 60 (SF-60)	2 trees
Single-Family Residential - Zero Lot Line (SF-Z)	2 trees
Single-Family Residential- Town Home (SF-TH)	1 tree
Two-Family (TF)	2 trees

All large trees required above will be planted prior to issuance of the certificate of occupancy on the dwelling.

- (3) For all residential parcels, developers shall be required to plant one large tree (minimum of three-inch caliper and seven feet high at the time of planting) per 40 linear feet, or portion thereof, of street frontage for major thoroughfares. Trees may be grouped or clustered to facilitate site design.

ARTICLE 9.07 TREE PRESERVATION

Sec. 9.07.012 Tree requirements for commercial properties.

- (a) See Article 9.06 Landscape Regulations for tree requirements.
- ~~(a) All commercial properties shall provide trees at a ratio of 10 trees per acre (43,560 sq. ft.) or one tree per 4,356 sq. ft. of the gross lot area.~~
- ~~(b) All trees planted to satisfy the tree standards must be a minimum of three inches in diameter at breast height (DBH).~~
- ~~(c) At the discretion of the city, and at the request of the property owner, the ten trees per acre may be satisfied by planting trees elsewhere in the city at the direction of the landscape administrator.~~

~~(db) See appendix 1 at the end of this article for a suggested species list that may be used to meet the requirements of this article. No trees with a maximum mature height of 25 feet or greater may be planted within 25 feet (measured horizontally) from the nearest overhead utility line.~~

Section 3. Savings, Repealing and Severability Clauses

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

Section 4. Penalty

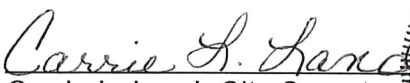
Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed the lesser of \$2,000 or the highest amount allowed by applicable law for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

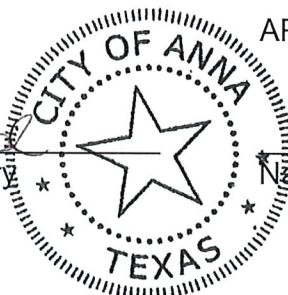
Section 5. Publication of the Caption and Effective Date

This ordinance shall be effective upon its passage by the City Council and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.


PASSED by the City Council of the City of Anna, Texas this 23rd day of June 2020.

ATTESTED:


Carrie L. Land, City Secretary



APPROVED:


Nate Pike, Mayor